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May 10, 2024

**Via ECF**

The Honorable Allyne R. Ross  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: **Ascent Pharm., Inc. v. Garland, No. 2:23-cv-08260 (ARR) (ST)**

Dear Judge Ross:

We represent Plaintiff Ascent Pharmaceuticals, Inc. (“Ascent”) in the above-captioned matter. Pursuant to Federal Rule of Civil Procedure 6(b), Rules 5.2(b) and 7.1(d) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and Rule I.E of Your Honor’s Individual Rules, we respectfully request that the Court extend the period in which the matter is held in abeyance for an additional 90 days. The Defendants do not oppose this request.

As previously noted, Ascent currently has a pending administrative action before the Drug Enforcement Administration (“DEA”), which DEA initiated on September 28, 2023 by serving Ascent with an order to show cause, pursuant to 21 U.S.C. § 824, as to why its registrations should not be revoked. *See In the Matter of Ascent Pharm., Inc.*, Dkt. 24-7. Ascent and DEA are engaged in settlement discussions in that matter and have been working diligently to try to reach a resolution. A settlement in the administrative action would result in the dismissal of the above-captioned case. Ascent anticipates that the parties may reach a resolution within the next 90 days.

Pursuant to Rule I.E of Your Honor’s Individual Rules, we note that the original date for the Defendants’ response was January 9, 2024. That date was extended to January 17, 2024 by operation of paragraph (4) of E.D.N.Y. Administrative Order 2023-23 when Defendants filed a request for the assignment of an Article III district judge to the case (Dkt. 12). On January 12, 2024, Ascent moved for an extension of 30 days for the Defendants to respond to the Complaint (Dkt. 14)—to which the Defendants consented—and which the Court granted. On February 16, 2024, Ascent moved to hold the matter in abeyance for 90 days (Dkt. 15), which the Defendants did not oppose and the Court granted. Currently, the case is held in abeyance until May 16, 2024.

For the foregoing reasons, we respectfully request that the Court extend the period in which the matter is held in abeyance for an additional 90 days. Thank you for your consideration of this matter.

Sincerely,

/s/ Jim Walden

Jim Walden

*Attorney for Ascent Pharmaceuticals, Inc.*

cc: All Counsel of Record (via ECF)